

1 THE HONORABLE JOHN C. COUGHENOUR
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9 UNITED STATES DISTRICT COURT
10 FOR THE WESTERN DISTRICT OF WASHINGTON
11 AT SEATTLE

12 IN RE VALVE ANTITRUST LITIGATION

13 CASE NO.: 2:21-cv-00563-JCC

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**DECLARATION OF KENNETH R.
O'ROURKE IN SUPPORT OF
PLAINTIFFS' LCR 37 SUBMISSION
REGARDING PLAINTIFFS' MOTION
TO COMPEL THE IN-PERSON
DEPOSITION OF DEFENDANT VALVE
CORP.'S CEO GABE NEWELL**

REDACTED VERSION

1 I, Kenneth R. O'Rourke, submit this declaration in support of Plaintiff's Local Civil Rule
2 37 Submission to Compel the In-Person Deposition of Defendant Valve Corp.'s CEO Gabe
3 Newell.

4 1. I am a member of Wilson Sonsini Goodrich & Rosati P.C. and am one of the
5 counsel for Plaintiffs Dark Catt Studios Holdings, Inc. and Dark Catt Studios Interactive LLC
6 (collectively, "Dark Catt"). Wilson Sonsini is among the interim co-lead counsel appointed for the
7 proposed class of PC game publishers in the above-captioned litigation. I have personal
8 knowledge of the facts set forth in this declaration except as noted herein and could and would
9 competently testify to them if called as a witness.

10 2. Attached hereto as **Exhibit 1** is a true and correct copy of an email thread between
11 Plaintiff Counsel and Defense Counsel dated between September 8, 2023, and November 2, 2023,
12 related to the deposition of Gabe Newell and with a subject of "RE: Valve AT Plaintiff Counsel –
13 Re: Valve Employee Depositions."

14 3. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiffs' Notice of Fed.
15 R. Civ. P. 30(b)(1) Deposition of Gabe Newell dated November 1, 2023.

16 4. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 5. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 6. [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 7. Attached hereto as **Exhibit 3** are true and correct excerpts of the transcript of the
9 Video-Recorded Deposition Upon Oral Examination of Scott Lynch, taken on October 12, 2023.

10 8. Attached hereto as **Exhibit 4** are true and correct excerpts of the transcript of the
11 Video-Recorded Deposition Upon Oral Examination of Ricky Uy taken on October 24, 2023.

12 9. Attached hereto as **Exhibit 5** are true and correct excerpts of the transcript of the
13 Video-Recorded Deposition Upon Oral Examination of Cassidy Gerber taken on October 5, 2023.

14 10. Attached hereto as **Exhibit 6** are true and correct excerpts of the transcript of the
15 Video-Recorded Deposition Upon Oral Examination of Nathaniel Blue taken on October 4, 2023.

16 11. Attached hereto as **Exhibit 7** are true and correct excerpts of the transcript of the
17 Video-Recorded Deposition Upon Oral Examination of Erik Johnson taken on September 26,
18 2023.

19 12. Attached hereto as **Exhibit 8** is a true and correct copy of a Steam DEV DAYS
20 presentation titled, “*Mike Ambinder, PhD, Valve: Data to Drive Decision-Making*, which was
21 attached to the Johnson Deposition as Exhibit 28, bearing bates VALVE_ANT_0007620.

22 13. Attached hereto as **Exhibit 9** are true and correct excerpts of the transcript of the
23 Video-Recorded 30(B)(6) Deposition Upon Oral Examination of Valve Corporation Scott Lynch
24 taken on October 13, 2023.

25 14. Attached hereto as **Exhibit 10** are true and correct excerpts of the transcript of the
26 Video-Recorded Deposition Upon Oral Examination of Kristian Miller taken on October 3, 2023.

15. Attached hereto as **Exhibit 11** is a true and correct copy of Valve Corporation's Responses and Objections to Plaintiffs' Second Set of Interrogatories dated March 13, 2023.

16. Attached hereto as **Exhibit 12** is a true and correct copy of Valve Corporation's Second Supplemental Response to Interrogatory No. 1 from Plaintiffs' First Set of Interrogatories dated October 30, 2023.

17. Attached hereto as **Exhibit 13** is a true and correct copy dated October 30, 2023.

The statements made in this declaration area based on participation in the meet and confer discussed above and knowledge acquired by me in the performance of my duties representing Plaintiffs in conjunction with other attorneys at Wilson Sonsini. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of November, 2023, at McLean, Virginia.

/s/ Kenneth R. O'Rourke
Kenneth R. O'Rourke